

## **PLANNING COMMISSION MINUTES**

Gardner, Kansas

Monday, September 24, 2007

The Planning Commission met in regular session on the above date at the Gardner City Hall, 120 E. Main Street, Gardner, Kansas.

### **I. Call to Order**

Chairman Koranda called the meeting to order at 7:02 p.m. Commissioners present: Stephen Koranda, Greg Godwin, Eileen Mertz, Paul Kilgore (7:11 PM), Eric Schultz, Jason Burnett and Dan Popp. Also present: Community Development Director Fred Sherman; Planners Amy Banks and Jennifer Dady; Victor Burks of Allenbrand-Drews, Inc., Ken Rogler of Waverly 175, Bill Leek of Peridian Group, Andrew Schlagel, Land Planner for Rockwood At Prairie Highlands, Matt and Mary Lein, Mike and Pat Murphy, Charles Hanna, Charles Harrison, Gilbert and Barbara Keiter, Kimball and Donna Bryan, James and Suyin Henningsen, Vanessa Marriott and two other concerned citizens.

### **II. Pledge of Allegiance**

Chairman Koranda led the Pledge of Allegiance.

### **III. Approval of Minutes**

The minutes of the September 10, 2007 meeting, were approved by unanimous consent.

### **IV. Consent Items**

#### **1. SP-07-14 Waverly Pointe Pool & Cabana Site Plan**

Consider a Site Plan for Waverly Pointe Pool & Cabana, a 1.04 acre residential lot located at 650 W Washington Street. The application is filed by Peridian Group, Inc.; with engineering services provided by Peridian Group, Inc.

Commissioner Burnett moved to pull SP-07-14 Waverly Pointe Pool & Cabana Site Plan from the Consent Items and move it to the Agenda Items for discussion.

### **V. Agenda Items**

#### **(1.) SP-07-14 Waverly Pointe Pool & Cabana Site Plan**

*Consider a Site Plan for Waverly Pointe Pool & Cabana, a 1.04 acre residential lot located at 650 W Washington Street. The application is filed by Peridian Group, Inc.; with engineering services provided by Peridian Group, Inc.*

Commissioner Burnett asked staff for more information about the fence.

Planner Amy Banks stated that the applicant has agreed to use a wrought iron-like fence similar to those used at other neighborhood pools in Gardner.

Motion Burnett, Second Godwin to Approve SP-07-14 Site Plan for Waverly Pointe Pool and Cabana

Motion Carried: 6 to 0 Aye (Kilgore: Absent)

## 1. Successive Application for Proposed Auburn Hills Development

Consider allowing new Rezoning Application(s) to be submitted for the proposed Auburn Hills development area, located at the northwest corner of the 167th Street and Gardner Road intersection.

**APPLICANT:** Andrew J Schlagel is making the request on behalf of Rockwood At Prairie Highlands, L.L.C.

**REQUESTED ACTION:** A total of 129 acres of the gross 160-acre quarter-section of land located at the northwest corner of the 167<sup>th</sup> Street and Gardner Road intersection which was previously zoned R-1 (Single Family Residential District) with the City council Approval of Z-06-10 on November 20, 2006. A preliminary plat for the Auburn Hills subdivision was approved by the Planning Commission at their November 13, 2006 meeting for the area zoned R-1 (Single Family Residential District.)

Rezoning requests Z-07-07, Z-07-08, Z-07-09 and Z-07-10 were first published and considered at the public hearing on August 27, 2007 Planning Commission meeting. These four rezoning requests are to rezone collectively about 60+ acres of land area that was zoned R-1 (Single Family Residential District) in November of 2006, to a variety of other residential zoning districts and densities.

After taking public comment at the August 27, 2007 meeting, the Planning Commission provided some land use policy guidance on the four submitted rezoning requests, but the commission also tabled consideration of the four rezoning requests until the September 24, 2007 meeting.

The applicant for rezoning cases Z-07-07, Z-07-08, Z-07-09 and Z-07-10 now requests to be allowed to submit a new rezoning application(s) for the Auburn Hills development area prior to the 12-months from City Council action on Z-06-10 and prior to 12-months from withdrawing the four pending rezoning applications, as set forth by city code (see attached letter.)

Article 15-1520 of the Zoning Ordinance states:

### *16-1501. LIMITATION ON SUCCESSIVE APPLICATIONS.*

*1520.1 No application for rezoning request, special use permit, or conditional use permit by a landowner or a landowner's agent shall be accepted if any application for substantially the same property has been filed and advertised for public hearing within the preceding twelve (12) months.*

*1520.2 For purposes of subsection A, the preceding 12-month period shall be determined as follows:*

- A. If there was final action (either approval or denial) on the prior application, the 12-month period shall run from the date of such action.*
- B. If the prior application was withdrawn after being advertised for public hearing, the 12-month period shall run from the date the application was withdrawn.*

*1520.3 The Community Development Director shall determine if an application concerns "substantially the same property" as a prior application. The landowner may appeal any such determination to the Planning Commission.*

*1520.4 The Governing Body may waive the limitation in this section for good cause shown.*

The applicant wishes to submit a new rezoning request(s) that they believe is more reflected of the land use policy discussion made by the Planning Commission at the August 27, 2007 meeting, after taking public comments on rezoning cases Z-07-07, Z-07-08, Z-07-09 and Z-07-10.

**STAFF RECOMMENDATION:** Staff recommends that the Planning Commission concur that a new rezoning application (s) for the Auburn Hills development area, located at the northwest corner of the 167<sup>th</sup> Street and Gardner Road intersection, would not be substantially the same as previous rezoning applications for the subject area; and could be submitted for consideration prior to 12-months from withdrawal of rezoning cases Z-07-07, Z-07-08, Z-07-09 and Z-07-10.

Director Sherman presented the staff report.

Chairman Koranda asked if there were any questions or comments.

The planning staff and commissioners discussed the code provision and different possibilities of submission and withdrawal and determined that Auburn Hills should be allowed to withdraw and resubmit new rezoning applications.

Motion Mertz, Second Burnett to Approve/Allow Auburn Hills to submit new applications for rezoning based upon the criteria in the letter submitted by the applicant to staff.

Motion Carried: 7 to 0 Aye

Chairman Koranda read aloud the letter from Andy Schlagel, Land Planner for Rockwood At Prairie Highlands, to the audience. Copies of this letter were distributed to the audience.

Director Sherman explained some of the key points of the letter.

## 2. Z-07-06/PDP-07-05 Symphony Farms Rezoning

Conduct a public hearing and consider rezoning property from R-1 (Single Family Residential District) to RP-3 (Planned Garden Apartment District) for a 10.73 acre property located east of Kill Creek Road and south of 159<sup>th</sup> Street. The application is filed by Allenbrand-Drews & Assoc. Inc.; with engineering services provided by Allenbrand-Drews & Assoc. Inc.

*The preliminary development plan (PDP-07-05) has been modified since the August 27, 2007 meeting. This staff report uses the staff report from the August 27 meeting with new or modified text underlined and italicized.*

1. **APPLICANT:** The applicant is Johnson County Land Holdings, L.L.C., with engineering services provided by Allenbrand-Drews & Associates, Inc.
2. **REQUESTED ACTION:** The applicant requests rezoning from R-1, Single Family Residential District to the RP-3, Planned Garden Apartment Residential District.
3. **LOCATION:** The 10.73 acre area for the subject rezoning request is located  $\frac{3}{4}$  mile north of 167<sup>th</sup> Street on the east side of Kill Creek Road.
4. **EXISTING ZONING:** The property was zoned to the R-1, Single Family Residential District, with City Council approval of Z-03-13 (Ord. 2083).
5. **CHARACTER OF THE NEIGHBORHOOD:** The land immediately surrounding the subject property is characterized by unincorporated agricultural land to the east, a sewage treatment facility to the north, Pioneer Ridge Middle School and a city park (currently under construction) to the west, and the land to the south is either in the floodplain or zoned and planned for single-family residential. The Development Plan Map shows this property to be reserved for low-density residential growth.
6. **LAND USE AND ZONING PATTERNS:** The surrounding zonings are R-1, Single Family Residential District, to the south and west; A, Agricultural District to the north; and Johnson County zoning RUR - Rural, Agricultural Uses and Single-Family Dwellings to the east.
7. **CONFORMANCE TO THE COMMUNITY DEVELOPMENT PLAN:** The Gardner Community Development Plan - 2003 indicates low-density residential land uses for this property, which is defined as 6-units per acre or less. This preliminary development plan proposes 96 units on the 10.73 acre tract, for a density of 8.95 units per acre. However, due to the flood plain on the eastern portion of the property (which may later be dedicated to the City for public open space), the development is concentrated on approximately 7.5 acres, which would yield a density of 12.8-units per acre. Either way the density is calculated, it exceeds the recommended 6-units per acre for this area. The Community Development Plan does, however, discuss using higher densities as a transition between low-density residential and non-residential uses (Residential Land Uses Policy 4.2). This property has been proposed by the applicant with higher-density residential to transition between the low-density residential to the south and the Kill Creek sewage treatment plant to the north. Specific policies in the adopted Community Development Plan regarding compatible transitions from low-density residential development include:

### Low-Density Residential Land Use Goals:

#### **Goal 4 – Compatible Transition from Low-Density Residential Development to More Intensive Uses.**

##### **Policy 4.1: Use Appropriate Transitional Methods**

Appropriate transitional methods should be considered at all locations where the development or expansions of nonresidential and medium- or high-density residential land uses abut low-density residential property (either built or zoned). In general, transitions between different types of intensities of land use should be made gradually, particularly where natural or man-made buffers are not available. Compatible transition from nonresidential or higher-density residential uses to lower density residential uses should consider:

##### **a) Building Relationships:**

1. A back-to-back relationship is preferable between low-density residences and other more intensive residential uses.

##### **b) Land Features:**

1. Promote the retention of stands of trees, natural vegetation, wetlands, and environmentally sensitive areas whenever possible to separate low-density residential developments from other more intensive land uses.
2. Where possible, use existing differences in topography to naturally separate low-density developments and other more intensive land uses.

##### **c) Screening and Landscaping:**

1. Encourage the creative and extensive use of landscaping and berming techniques for effective buffering of low density residential uses.
2. Avoid the use of fences as a sole means of providing screening and buffering.
3. Promote the use of existing vegetation such as stands of trees and hedgerows as natural buffers.
4. Encourage the use of high quality materials in the construction of fencing and landscaping to decrease long term maintenance costs and to make it less likely that neglected, unsightly areas will occur.

**Policy 4.2: Higher-Density Residential as Transitional Use**

Promote the use of higher density residential development and duplexes as a transitional land use between nonresidential developments and surrounding low-density residential neighborhoods.

**Medium- and Higher-Density Residential Land Use Goals:**

**Policy 1.1: Ensure Quality Development**

Encourage emphasis on open space, access to light and air, and the provision of amenities generally associated with and available to low-density residential development in all medium- and higher-density residential developments.

**Policy 1.2: Preserve and Protect the Environment**

Encourage the preservation and protection of trees, natural vegetation, wetlands, and environmentally sensitive areas in medium- and higher-density residential developments to serve as site amenities.

**Policy 1.3: Provide Open Space**

Encourage the provision of usable open space on site by clustering buildings to minimize the creation of narrow strips of unusable open space in front of and between buildings.

**Policy 1.4: Consider Appropriate Density**

The number of dwelling units per acre in any residential category should be viewed as representing a density range rather than a maximum allowable density. The exact density of a specific tract is to be determined at the time of rezoning based on the following:

- a) Only projects with exceptional design and locational criteria will warrant density exceeding the midpoint of the density range.
- b) Natural constraints, public facilities, streets and traffic patterns, neighborhood character, community need and surrounding zoning and land use patterns are to be taken into consideration.

**Policy 1.5: Provide for Variety in Housing Types**

Encourage the use of a variety of housing types, including townhomes, patio homes, duplexes, zero lot line homes, cluster housing, garden apartments and retirement housing.

**Policy 2.7: Adhere to Future Development Plan**

A feasibility study for developments increasing the amount of medium- and higher-density residential areas beyond what is shown on the Community Development Plan Map may be required to assist in the evaluation of a proposed project. The feasibility study will include:

- a) Explanation of why the area is not adequately served by the medium- and higher-density residential development shown on the Community Development Plan Map.
- b) An analysis of the impact of traffic generated by the development on adjacent streets.

**Goal 3: Compatible Transition from Medium- and Higher-Density Residential Development to Both More Intensive and Less Intensive Uses:**

**Policy 3.1: Use Appropriate Transitional Methods**

- a) Site Orientation.
  1. Site design should be oriented so that less compatible uses such as recreational facilities are located in the interior of the development and not adjacent or in close proximity to low-density residential neighborhoods.

8. **STAFF ANALYSIS OF THE APPLICATION:** *Based on the Planning Commission's concerns expressed at the August 27, 2007 meeting, this revised plan has modified. The three duplex lots were removed, another 12-plex building was added (for a net increase of six units), additional landscaping is shown along the south property line, and the additional parking has been reconfigured (for a net increase of two parking spaces).*

The applicant requests approval of a rezoning application for a multi-family development on 10.73 acres of land for 96 new residential units, which will be located in eight 12-plex buildings. The request generally follows the guidelines outlined by the Community Development Plan, and is accessible by all applicable services.

**Proposed Units**

The 2.5-story 12-plexes buildings are a unique combination of units, unlike a typical apartment building. Each unit would have a one-car garage on the main level. Four one-level units would be located on this level, and the other eight units would be on the second level. Of those eight units, four would be one-level units and the other four would be two-level units, with the master bedroom located on the third floor of the building, within the area encompassed by the roof. Each of the twelve units would have a private patio and a main-level, private entrance. They are proposed to be sold as condominiums.

It should be noted that the building footprints on the plan do not exactly match the submitted floor plans. It should also be noted that no walkways are shown connecting the driveways to the doors on the north and south sides of each building. The applicant has acknowledged that the walkways will be installed. These will be required to be shown on the final development plan.

#### **Parking**

One of staff's concerns is regarding parking. Each unit will have a one-car garage with a short driveway. In the conventional R-3 zoning district, 2 parking spaces are required per 2 bedroom apartment. Because all of the apartments will have 2 bedrooms, each unit will be required to have one additional parking space. The Zoning Ordinance does not specify whether or not the additional spaces may be in the driveways, directly blocking the garages. The Planning Commission should discuss this to determine whether or not it is appropriate in this instance. The shared drives for the 12-plexes are excessively wide (25 feet), but Staff would advise against allowing parking along the edges. The plan indicates only four additional areas for parking. These small areas contain three or four parking spaces each, for a total of 14 additional parking spaces. While staff is hesitant to suggest additional impervious surfaces, staff is concerned that families with two vehicles will park one of them along the street to avoid shuffling the vehicles each day. The Planning Commission should discuss whether or not the parking concerns raised at the last meeting have been adequately addressed by the revised plan, which added two parking spaces and spread the additional parking spaces into four areas instead of two.

#### **Building Height**

The height of these buildings is proposed to be 38 feet, three feet higher than is permitted in a conventional R-3 zoning district. Due to the fact that this is proposed to be a planned (RP-3) zoning district, the Planning Commission should determine whether or not it is acceptable to exceed the R-3 district's 35-foot height limitation in this instance.

#### **Kill Creek Treatment Plant**

The preliminary development plan shows a building on that property that is roughly 100-feet from the subject property (due north of one of the seven 12-plexes). It is used for sludge-drying. The applicant is aware that plans for this sewage treatment facility are to eventually add two more sludge drying buildings to the west of the current building. While the existing building is relatively new and built to excellent standards, there is always the possibility of a smell in this general area at times. Staff worked with the applicant to move the buildings farther south in order to accommodate trees along the northern property line. The trees would help to screen the sewage treatment facility and residential property from each other. The proposed preliminary development plan submitted with this rezoning request meets the requirements of the landscape ordinance. The treatment plant property has minimal landscaping installed.

A similar concern is that the proposed development abuts two single-family lots to the southwest that are among the larger and nicer lots in Symphony Farms. The revised preliminary development plan shows additional landscaping along this property line.

#### **Public vs. Private Street**

161<sup>st</sup> Court is proposed to be a public street, which would require the building setbacks to be at least 30 feet. The applicant is requesting to set the buildings back only 20 feet from the lot lines. If 161<sup>st</sup> Court was proposed to be a private street, the setback requirements would not be an issue, but the question of who would maintain the street would become an issue over time, particularly since there is no separate pool and amenity package for this property.

Staff recommends a stipulation to require sidewalks to be installed along both sides of 161<sup>st</sup> Court and along Kill Creek Road, beginning at 161<sup>st</sup> Court and continuing to the south. This has been discussed with the applicant, although sidewalks are not shown on the preliminary development plan. Due to the proximity of the fencing surrounding the Kill Creek treatment plant property, a sidewalk connection to the north is not practicable.

#### **Amenity Package**

This property will be included in the pool and amenity package for the Symphony Farms subdivision as a whole. This pool for Symphony Farms is located at the northwest corner of 167<sup>th</sup> Street and Kill Creek Road.

Following discussion, the Planning Commission may or may not wish to add stipulations, particularly in regard to parking and height requirements. These issues should be carefully considered before making any decisions.

9. **STAFF RECOMMENDATION:** Staff recommends that the Planning Commission forward the request to rezone a 10.73-acre portion of Symphony Farms, located ¼ mile north of 167<sup>th</sup> Street on the east side of Kill Creek Road, from the R-1, Single Family Residential District, to the RP-3, Planned Garden Apartment District, (Z-07-06), and its associated preliminary development plan (PDP-07-05) to the City Council with a recommendation for approval, subject to the following stipulations:
  - a. The development shall be in accordance with Exhibit "A" (Development Plan) and Exhibit "B" (Elevations) which are filed in the office of the Planning Commission Secretary at City Hall and which are incorporated by reference as if set out in full herein. In addition, the development shall comply with all regulations and standards of the City of Gardner unless specifically exempted by the Governing Body.
  - b. The development shall be limited to 96 units.
  - c. The location and geometrics of all driveways, public streets, and parking areas are subject to review and approval by Community Development Department staff.
  - d. Sidewalks shall be required along both sides of 161<sup>st</sup> Court and along Kill Creek Road, beginning at 161<sup>st</sup> Court and continuing to the south.

- e. Prior to the issuance of building permits, the Planning Commission shall approve a final development plan for this subject property.

Director Sherman presented the staff report.

Victor Burks of Allenbrand-Drews & Associates, Inc. presented the revisions to the Planning Commission.

Planner Amy Banks explained to the commissioners that the revisions would increase density and also explained staff's concerns for parking.

Chairman Koranda opened the Public Hearing at 7:24 PM.

Chairman Koranda asked if there were any questions.

Commissioner Godwin asked if the lots (61 and 62) adjacent to the property were still owned by the developer.

Victor Burks confirmed that the developer is the current owner of those lots.

Chairman Koranda asked the applicant for further explanation about the additional parking.

Commissioner Popp asked if the units will have single-car garages. He also asked where the applicant believes the residents would park a second vehicle.

Victor Burks explained that the units will, in fact, have single-car garages and that the applicant has exceeded parking requirements meeting the Planning Commission's request from the August 27, 2007 meeting to add additional parking.

Commissioner Godwin and Commissioner Popp asked if the property would be maintained through a homes association or by the residents and if there would be a separate homes association for this development.

Victor Burks stated that the property would be maintained by the homes association and at this time the homes association is the same for the entire development.

Commissioner Godwin expressed his understanding for staff's parking concerns but believes the homes association can set up parking guidelines and restrictions of their own.

Director Sherman explained that this street is a public street and parking is allowed on public streets. He also explained that the street is wide enough to allow on-street parking and still allow enough room for emergency vehicles to get through.

Commissioner Godwin expressed to the applicant that he was pleased with the revisions that were made based on the Planning Commissioners' comments from the August 27, 2007 meeting.

Motion Godwin, Second Burnett to Forward Symphony Farms Rezoning (Z-07-06/PDP-07-05) to City Council for approval, subject to staff recommendations.

Motion Carried: 7 to 0 Aye

Chairman Koranda asked staff if all of the Auburn Hills Rezoning files can be heard simultaneously.

### 3. Z-07-07/PDP-07-06 Auburn Hills Rezoning

Conduct a public hearing and consider rezoning property from R-1 (Single Family Residential District) to RP-2 (Planned Two Family Residential District) for an 11.48 acre property located west of Gardner Road and north of 167<sup>th</sup> Street. The application is filed by Rockwood At Prairie Highlands, L.L.C.; with engineering services provided by Allenbrand-Drews & Assoc. Inc.

***Based on the direction given by the Planning Commission at the August 27, 2007 meeting, the applicant for this rezoning is requesting to be allowed to resubmit new revised rezoning applications (see Agenda Item 1, September 24, 2007 P.C meeting).***

***If the Planning Commission determines that new rezoning applications can be submitted, then the applicant will request that this item be continued to be tabled so it may be formally withdrawn and new rezoning applications can be submitted. If it is determined that new rezoning applications can not be submitted within 12-months of withdrawal, the applicant of this item would like to proceed with this rezoning request.***

**APPLICANT:** The applicant is Rockwood at Prairie Highlands, LLC; with engineering services provided by Allenbrand-Drews & Associates, Inc.

**REQUESTED ACTION:** The applicant requests rezoning from R-1, Single Family Residential District to the RP-2, Planned Two-Family Residential District for 96 residential units.

**LOCATION:** The 11.48 acre area for the subject rezoning request is located west of Gardner Road and north of 167<sup>th</sup> Street.

**EXISTING ZONING:** The property was zoned to the R-1, Single Family Residential District, with City Council approval of Z-06-10 on November 20, 2006. (Ord. 2222).

**CHARACTER OF THE NEIGHBORHOOD:** The land immediately surrounding the subject property is characterized by vacant land zoned for R-1 (single-family residential) to the north, south and west, unincorporated residential properties and Gardner Lake to the northeast. Directly east of the subject property is the APAC-Kansas quarry. The Development Plan Map shows this property to be reserved for low-density residential growth.

**LAND USE AND ZONING PATTERNS:** The surrounding zonings are R-1, Single Family Residential District, to the north, south and west (Z-06-10 and Z 06-12); and Johnson County zoning RUR - Rural, Agricultural uses to the east.

**CONFORMANCE TO THE COMMUNITY DEVELOPMENT PLAN:** The Gardner Community Development Plan - 2003 denotes urban residential land uses and low-density residential development uses for this immediate area. The Community Development Plan attempts to expand housing opportunities by targeting various residential densities. Three residential land use categories are depicted on the Development Plan Map. The categories are distinguishable by the density of development allowed in each:

Low-Density:	Greater than 1 and less than or equal to 6 units per acre
Medium-Density:	Greater than 6 and less than or equal to 15 units per acre
High-Density:	Greater than 15 units per acre

Rezoning the property to RP-2, Planned Two-Family Residential District, could be complementary with the intent and policies of the plan. The general goal of the plan for medium density residential land uses is to help form residential neighborhoods that are stable, safe and aesthetically pleasing.

The subject RP-2 zoning request is not totally consistent with the allowed density as shown on the Community Development Plan Map. The submitted development plan includes 96 total units on 11.48 acres of land, which equates to 8.36 units per acre.

Specific policies in the adopted Community Development plan regarding low-density residential development include (Staff comments in ***bold italics***):

#### **Low-Density Residential Land Use Goals:**

##### **Goal 2 – Criteria for the Location of Low-Density Residential Development.**

##### **Policy 2.1: Protect Areas Planned for Low-Density-**

Avoid reducing low density residential areas as shown on the Community Development Plan Map by allowing encroachment of higher density residential or by allowing nonresidential land uses which are not customarily allowed in low-density residential districts.

***This proposal, though it includes duplex/villas, could be classified as low-density development with fewer proposed units.***

##### **Policy 2.2: Reserve Suitable Sites-**

Reserve suitable land areas of adequate size to accommodate a number of subdivisions in order to facilitate well-planned orderly development with better coordination of public services and facilities.

***This project represents a portion of the overall Auburn Hills development, which comprises approximately 160 acres. The proposed layout of the preliminary development plan for the RP-2 district creates a cohesive two-family neighborhood, while coordinating with the development as a whole.***

##### **Policy 2.3: Ensure Adequate Infrastructure Facilities-**

Ensure that new housing development occurs in areas, which can be adequately and efficiently served by infrastructure facilities.

***This proposal is located within the North Service Area, as indicated on the Priority Growth Map, which is classified as a current service area.***

**Policy 2.4: Allow Small-Lot and Duplex Subdivisions**

Allow the use of small-lot and duplex subdivisions in low-density residential areas in the following circumstances upon a finding of compatibility with surrounding uses:

As a land use transition between lower-density development and land uses of higher intensities.

***The proposed RP-2 district, which will include villa/duplexes, could act as a transitional land use between the proposed RP-3 district to the south and the R-1 zoning to the north. In addition, the placement of RP-2 at this location provides a secondary transitional land use between the existing R-1 district to the west and the quarry to the east.***

Adjacent to heavily traveled streets such highways, or interstates, or adjacent to railroad corridors.

***The proposed RP-2 district, including villas/duplexes, is placed adjacent to Gardner Road, an arterial roadway to the east, providing a buffer for the lower density single-family district to the west.***

a) Where flexibility in subdivision design is necessary to preserve natural features, provide for greenway linkages or avoid floodplains.

***There is an existing pond and associated natural features to the south, as part of the overall Auburn Hills plan, which impedes development in this area, lessening the overall density of the project.***

**Policy 3.2: Encourage Proper Lot Orientation**

Encourage subdivision design in which peripheral lots face inward toward the neighborhood, of which they are a part, especially those lots which are adjacent to collectors or thoroughfares. No home shall front on a designated thoroughfare.

***All of the residences in the proposed Preliminary Development Plan face away from adjacent collectors and towards the neighborhood.***

**Policy 3.3: Provide for Extra Buffering in Special Circumstances**

Encourage subdivision design which provides extra buffering between homes and adjacent freeways or thoroughfares. Extra buffering can be accomplished by using any of the following methods or a combination thereof:

- Berms
- Landscape screening
- Fences
- Extra lot depth

***Staff will recommend as part of a final development plan that sufficient landscaping and berms be utilized to both shield the proposed RP-2 district from adjoining lower and higher density development from the existing quarry to the east.***

**Goal 4 – Compatible Transition from Low-Density Residential Development to More Intensive Uses.**

**Policy 4.1: Use Appropriate Transitional Methods**

Appropriate transitional methods should be considered at all locations where the development or expansions of nonresidential and medium- or high-density residential land uses abut low-density residential property (either built or zoned). In general, transitions between different types of intensities of land use should be made gradually, particularly where natural or man-made buffers are not available. Compatible transition from nonresidential or higher-density residential uses to lower density residential uses should consider:

***The proposed RP-2 district is surrounded by proposed RP-3 to the south, proposed R-2 to the west, and Gardner Road, the quarry and pump station to the east. The RP-2 district, as proposed, abuts an existing single-family residential district to the north; however, the proposed layout reveals an intent for the continuation of the RP-2 district to the north.***

**Building Relationships:**

A back-to-back relationship is preferable between low-density residences and other more intensive residential uses.

***The proposed villa/duplexes share a back-to-back relationship with the proposed RP-3 district to the south and Gardner Road and the quarry to the east. But they share more of a side-to-side relationship with the proposed R-2 district to the west, and infer that this development pattern will be continued to the existing R-1 district to the north.***

More intense residential uses should not have lesser setbacks than abutting low-density residential uses.

***The building layout of the RP-2 district shall be consistent with the yard setbacks of the R-2 district with alterations as approved in the Final Development Plan, to allow flexibility while ensuring adequate setbacks.***

**Screening and Landscaping:**

Encourage the creative and extensive use of landscaping and berming techniques for effective buffering of low density residential uses.

Avoid the use of fences as a sole means of providing screening and buffering.

Promote the use of existing vegetation such as stands of trees and hedgerows as natural buffers.

Encourage the use of high quality materials in the construction of fencing and landscaping to decrease long term maintenance costs and to make it less likely that neglected, unsightly areas will occur.

***Staff recommends that appropriate landscaping be incorporated into the final development plan design to both shield the proposed RP-2 district from adjoining lower and higher density development to the south and the use of landscaping and berms to help shield this proposed use from the existing quarry to the east.***

Specific policies for medium and high-density land uses include:

**Policy 1.1: Ensure Quality Development**

Encourage emphasis on open space, access to light and air, and the provision of amenities generally associated with and available to low-density residential development in all medium- and higher-density residential developments.

***The proposed preliminary development plan provides the residential district with a shared clubhouse and pool facility***

**Policy 1.2: Preserve and Protect the Environment**

Encourage the preservation and protection of trees, natural vegetation, wetlands, and environmentally sensitive areas in medium- and higher-density residential developments to serve as site amenities.

***Preservation is not emphasized in this portion of the Auburn Hills development.***

**Policy 1.3: Provide Open Space**

Encourage the provision of usable open space on site by clustering buildings to minimize the creation of narrow strips of unusable open space in front of and between buildings.

***The current layout does not provide a great deal of community open space or clustering of buildings.***

**Policy 1.4: Consider Appropriate Density**

The number of dwelling units per acre in any residential category should be viewed as representing a density range rather than a maximum allowable density. The exact density of a specific tract is to be determined at the time of rezoning based on the following:

Only projects with exceptional design and locational criteria will warrant density exceeding the midpoint of the density range.

Natural constraints, public facilities, streets and traffic patterns, neighborhood character, community need and surrounding zoning and land use patterns are to be taken into consideration.

***The current proposal has a density of approximately 8.5 units to the acre, whereas medium-density districts permit for 6 to 15 units to the acre.***

**Policy 1.5: Provide for Variety in Housing Types**

Encourage the use of a variety of housing types, including town homes, patio homes, duplexes, zero lot line homes, cluster housing, garden apartments and retirement housing.

***From a view of the overall Auburn Hills development, this proposal provides for additional housing variety within the neighborhood beyond the single-family units. Some architectural variety could be included, but the submitted development plan for this subject property call for only one type of residential building.***

**Goal 3: Compatible Transition from Medium- and Higher-Density Residential Development to both More Intensive and Less Intensive Uses:**

Policy 3.1: Use Appropriate Transitional Methods - Site Orientation.

Site design should be oriented so that less compatible uses such as recreational facilities are located in the interior of the development and not adjacent or in close proximity to low-density residential neighborhoods.

**STAFF ANALYSIS OF THE APPLICATION:** The applicant requests approval of a rezoning application for a planned two-family residential development on 11.48 acres of land for 98 new residential units. At this density, the request does not conform to the basic land use density parameters set by the Community Development Plan for Low-Density Residential development. The total number of residential units proposed by the four requested rezoning items for Auburn Hills is about 6.6 units per acre.

Case	Acres	Units	Density
Z-07-07	11.48	98	8.54
Z-07-08	11.56	160	13.84
Z-07-09	29.46	114	3.87
Z-07-10	7.85	30	3.82
<b>Total</b>	<b>60.35</b>	<b>402</b>	<b>6.66</b>

The requested RP-2 zoning district restricts the uses of property to two-family dwellings, commonly referred to as duplexes. A preliminary development plan and general building elevations have been submitted for consideration with this request. The proposed RP-2 area would include a total of 49 duplex/villa buildings for a total of 98 duplex/villa units, as well as a pool and clubhouse area. Private driveways leading to shared parking loop north off 164th Street. The

general layout of this development is designed so that this proposed RP-2 development would be mostly a self-contained neighborhood.

#### **Building Elevations**

The submitted elevations denote that the buildings within this development will be constructed with a slight off-set between each unit, and each side of a duplex building will have unique features to prevent it from being a "mirrored" duplex unit design. All units are proposed to have a one car-width garage that is about 24 feet in total depth.

#### **Street Design**

The street design for this preliminary development plan is laid out to continue the proposed RP-2 development pattern north of the area currently under review. A preliminary development plan for the property to the north proposed R-2 zoning was denied by the Planning Commission on April 30, 2007. This will also address the issue of potentially connecting a private drive, as part of this proposal, with a public street to the north, should a differing layout plan be approved for the adjoining property.

The streets in this proposal are denoted as private. Per the City's technical specifications, private streets must meet the same street design criteria (minimum radii for horizontal curves, etc.) as public streets. The layout of some of the private roads may need to be revised on the Final Development Plan and Final Plat to meet public street design standards (See Stipulation #E).

#### **Ownership**

The applicant has not delineated on the preliminary development plan the intended limit of ownership for the proposed villa/duplexes, whether the property line will end at the foundation of each unit or if there will be an "envelope" of land surrounding each unit, with the remainder as common space. Ownership will need to be delineated on the final development plan.

**STAFF RECOMMENDATION:** If the Planning Commission determines new rezoning applications can be submitted on the parent parcel of land within 12-months of withdrawal of a rezoning application, then staff recommends that this item be tabled.

Otherwise, staff recommends that the Planning Commission forward the request to rezone the Auburn Hills property, 11.48 acres located west of Gardner Road and north of 167<sup>th</sup> Street, from the R-1, Single Family Residential District, to the RP-2, Planned Two Family Residential District, (Z-07-07) to the City Council with a recommendation for denial.

If the Planning Commission chooses to make a recommendation of approval, staff suggests the following stipulations:

The development shall be in accordance with Exhibit "A" (Site Plan) and Exhibit "B" (Elevations) which are filed in the office of the Planning Commission Secretary at City Hall and which are incorporated by reference as if set out in full herein. In addition, the development shall comply with all regulations and standards of the City of Gardner unless specifically exempted by the Governing Body.

The development shall be limited to 98 units.

The location and geometrics of all driveways, public streets, and parking areas are subject to review and approval by Community Development Department staff.

Prior to the issuance of building permits, the Planning Commission shall approve a final development plan for this subject property.

Per the City's adopted technical specifications, private streets must meet the same street design criteria (minimum radii for horizontal curves, etc.) as public streets.

#### **4. Z-07-08/PDP-07-07 Auburn Hills Rezoning**

Conduct a public hearing and consider rezoning property from R-1 (Single Family Residential District) to RP-3 (Planned Garden Apartment District) for an 11.56 acre property located west of Gardner Road and north of 167<sup>th</sup> Street. The application is filed by Rockwood At Prairie Highlands, L.L.C.; with engineering services provided by Allenbrand-Drews & Assoc. Inc.

***Based on the direction given by the Planning Commission at the August 27, 2007 meeting, the applicant for this rezoning is requesting to be allowed to resubmit new revised rezoning applications (see Agenda Item 1, September 24, 2007 P.C meeting).***

***If the Planning Commission determines that new rezoning applications can be submitted, then the applicant will request that this item be continued to be tabled so it may be formally withdrawn and new rezoning applications can be submitted. If it is determined that new rezoning applications can not be submitted within 12-months of withdrawal, the applicant of this item would like to proceed with this rezoning request.***

**APPLICANT:** The applicant is Rockwood at Prairie Highlands, LLC; with engineering services provided by Allenbrand-Drews & Associates, Inc.

**REQUESTED ACTION:** The applicant requests rezoning from R-1, Single Family Residential District to the RP-3, Planned Garden Apartment District.

**LOCATION:** The 11.56 acre area for the subject rezoning request is located west of Gardner Road and north of 167<sup>th</sup> Street.

**EXISTING ZONING:** The property was zoned to the R-1, Single Family Residential District, with City Council approval of Z-06-10 on November 20, 2006. (Ord. 2222).

**CHARACTER OF THE NEIGHBORHOOD:** The land immediately surrounding the subject property is characterized by vacant land zoned for R-1 (single-family residential) to the north, south and west, unincorporated residential properties and Gardner Lake to the northeast. Directly east of the subject property is the APAC-Kansas quarry. The Development Plan Map shows this property to be reserved for low-density residential growth.

**LAND USE AND ZONING PATTERNS:** The surrounding zonings are R-1, Single Family Residential District, to the north, south and west (Z-06-10); and Johnson County zoning RUR - Rural, Agricultural uses to the east.

**CONFORMANCE TO THE COMMUNITY DEVELOPMENT PLAN:** The Gardner Community Development Plan - 2003 indicates low-density residential land uses for this property, which is defined as six units per acre or less. The request for RP-3 zoning would increase the allowed density as shown on the Community Development Plan Map to greater than 6 units and less than or equal to 15 units per acre. The proposed preliminary development plan shows approximately 13 units to the acre for RP-3 district. However, the Community Development Plan does allow the option of Medium-Density Residential as a Transitional Use (Policy 3.4). Specific policies in the adopted Community Development plan regarding compatible transitions from low-density residential development and medium density residential development include (staff comments in ***bold italics***):

**Low-Density Residential Land Use Goals:**

**Goal 4 – Compatible Transition from Low-Density Residential Development to More Intensive Uses.**

**Policy 4.1: Use Appropriate Transitional Methods**

Appropriate transitional methods should be considered at all locations where the development or expansions of nonresidential and medium- or high-density residential land uses abut low-density residential property (either built or zoned). In general, transitions between different types of intensities of land use should be made gradually, particularly where natural or man-made buffers are not available. Compatible transition from nonresidential or higher-density residential uses to lower density residential uses should consider:

***The proposed RP-3 district is surrounded by proposed RP-2 and R-2 on three sides, and with Gardner Road, the quarry and pump station to the east. The RP-3 district, as proposed, abuts only one single-family residential lot, however, the placement of the pool and clubhouse in this corner removes issues of bulk and height.***

**Building Relationships:**

A back-to-back relationship is preferable between low-density residences and other more intensive residential uses.

***The proposed garden apartments and the surrounding proposed RP-2 and RP-3 districts are generally organized in a back-to-back relationship, though the villas/duplexes to the south of the proposed RP-3 district share more of a side-to-side relationship. This side-to-side relationship is not an issue, however, due to the barrier created by 164<sup>th</sup> Street.***

**Land Features:**

Promote the retention of stands of trees, natural vegetation, wetlands, and environmentally sensitive areas whenever possible to separate low-density residential developments from other more intensive land uses.

***The overall layout of Auburn Hills retains the existing pond and open space to the south of the proposed RP-3 district.***

Where possible, use existing differences in topography to naturally separate low-density developments and other more intensive land uses.

***Differences in topography and the placement of 164<sup>th</sup> Street provide another land use transition between the side-to-side relationship of the proposed RP-3 district and the proposed RP-2 district to the south.***

**Screening and Landscaping:**

Encourage the creative and extensive use of landscaping and berming techniques for effective buffering of low density residential uses.

Avoid the use of fences as a sole means of providing screening and buffering.

Promote the use of existing vegetation such as stands of trees and hedgerows as natural buffers.

Encourage the use of high quality materials in the construction of fencing and landscaping to decrease long term maintenance costs and to make it less likely that neglected, unsightly areas will occur.

***Appropriate landscaping and berms should be utilized to both shield the proposed RP-3 district from adjoining lower density development and the proposed garden apartments from the existing quarry and Gardner Road to the east.***

**Policy 4.2: Higher-Density Residential as Transitional Use**

Promote the use of higher density residential development and duplexes as a transitional land use between nonresidential developments and surrounding low-density residential neighborhoods.

***The proposed RP-3 zoning district could act as a transitional land use between the existing R-1 (Single-Family Residential) zoning district and the quarry to the east.***

**Medium- and Higher-Density Residential Land Use Goals:**

**Policy 1.1: Ensure Quality Development**

Encourage emphasis on open space, access to light and air, and the provision of amenities generally associated with and available to low-density residential development in all medium- and higher-density residential developments.

***The proposed preliminary development plan provides the garden apartment district with its own clubhouse and pool.***

**Policy 1.2: Preserve and Protect the Environment**

Encourage the preservation and protection of trees, natural vegetation, wetlands, and environmentally sensitive areas in medium- and higher-density residential developments to serve as site amenities.

***Though preservation is not emphasized in this portion of the Auburn Hills development, the existing pond and some of the vegetation to the south of this rezoning request are intended to remain, with access via a walking path.***

**Policy 1.3: Provide Open Space**

Encourage the provision of usable open space on site by clustering buildings to minimize the creation of narrow strips of unusable open space in front of and between buildings.

***The current layout does not provide a great deal of community open space or clustering of buildings.***

**Policy 1.4: Consider Appropriate Density**

The number of dwelling units per acre in any residential category should be viewed as representing a density range rather than a maximum allowable density. The exact density of a specific tract is to be determined at the time of rezoning based on the following:

Only projects with exceptional design and locational criteria will warrant density exceeding the midpoint of the density range.

Natural constraints, public facilities, streets and traffic patterns, neighborhood character, community need and surrounding zoning and land use patterns are to be taken into consideration.

***The current proposal has a density of approximately 13 units to the acre, whereas medium-density districts permit for 6 to 15 units to the acre. As a result, this increase in density is relatively high. The overall density of the proposed RP-3 district could be reduced with the elimination of one or more proposed buildings.***

**Policy 1.5: Provide for Variety in Housing Types**

Encourage the use of a variety of housing types, including town homes, patio homes, duplexes, zero lot line homes, cluster housing, garden apartments and retirement housing.

***From a view of the overall Auburn Hills development, this proposal provides for additional housing variety within the neighborhood beyond the single-family, duplexes and villas proposed.***

**Policy 2.7: Adhere to Future Development Plan**

A feasibility study for developments increasing the amount of medium- and higher-density residential areas beyond what is shown on the Community Development Plan Map may be required to assist in the evaluation of a proposed project. The feasibility study will include:

Explanation of why the area is not adequately served by the medium- and higher-density residential development shown on the Community Development Plan Map.

An analysis of the impact of traffic generated by the development on adjacent streets.

**Goal 3: Compatible Transition from Medium- and Higher-Density Residential Development to Both More Intensive and Less Intensive Uses:**

**Policy 3.1: Use Appropriate Transitional Methods - Site Orientation.**

Site design should be oriented so that less compatible uses such as recreational facilities are located in the interior of the development and not adjacent or in close proximity to low-density residential neighborhoods.

***The current layout of the Garden Apartments places the proposed clubhouse and pool directly adjacent to a single-family residential lot, in the western-most corner of the proposed RP-3 district. While this helps with the bulk and height issues, the pool and clubhouse could be placed closer to the middle of the apartment development.***

**STAFF ANALYSIS OF THE APPLICATION:** The applicant requests approval of a rezoning application for Garden Apartment residential development on 11.56 acres of land for 160 new residential units. The total number of residential units proposed by the four requested rezoning items for Auburn Hills is about 6.6 units per acre.

Case	Acres	Units	Density
Z-07-07	11.48	98	8.54
Z-07-08	11.56	160	13.84
Z-07-09	29.46	114	3.87
Z-07-10	7.85	30	3.82
<b>Total</b>	<b>60.35</b>	<b>402</b>	<b>6.66</b>

The rezoning request conforms to many of the land use policies set by the Community Development Plan if it is determined that this area is appropriate for medium-density residential uses, as it is accessible by all applicable services.

The requested RP-3 zoning district restricts the uses of property to garden apartments. A preliminary development plan and general building elevations have been submitted for consideration with this request. The proposed RP-3 area would include a total of ten (10) apartment buildings for a total of 160 garden apartment units, as well as a pool and clubhouse area. Private driveways leading to shared parking loop north off 164th Street. The general layout of this development is designed so that this proposed RP-3 development would be mostly a self-contained neighborhood.

#### **Building Elevations**

The submitted elevations denote that the buildings within this development will be constructed with façade changes making use of stone and stucco as well as differing roofing heights that help break up the bulk of the buildings. The proposed building height on the elevation is conflicting; with the scale showing the height to be between 37-37.5 feet, while the dimensions give the height as a maximum of 32 feet. The applicant is aware of this discrepancy and has established the maximum height at 32 feet, within the maximum of 35 feet, as established by code.

#### **Parking**

The applicant has not provided staff with floor plans of the proposed apartment buildings. In order to address parking requirements within the RP-3 district, the number of bedrooms must be known. The applicant has provided staff with a ratio:

- 40% are 1 bedroom units = 64 (1 bedroom units) requiring 96 stalls
- 45% are 2 bedroom units = 72 (2 bedroom units) requiring 144 stalls
- 15% are 3 bedroom units = 24 (3 bedroom units) requiring 60 stalls

A total of 300 stalls are required for the number of units and bedrooms proposed and the preliminary development plan provides for 304 stalls, meeting code requirements. However, floor plans shall be required with the final development plan submittal as well as accurate bedroom counts, to be constituent with the preliminary development plan approval.

#### **Building Setback and Site Design**

The layout of the buildings as proposed in the preliminary development plan does not fully follow the yard setback requirements of the RP-3 district. However, the designation of a Planned residential district does permit for variation in setbacks provided that "such buildings are architecturally suitable for such a relationship to adjoining buildings or property, due consideration being given to future development of adjoining property under separate ownership (Section 16-509 "Planned Residential Districts" of the Gardner Zoning Ordinance)."

Due to the fact that this proposal is a part of a larger development by the same owner, this eliminates confusion over future adjoining development. The yard setback requirements for the R-3 zoning district are as follows:

- Front yard – A minimum of 85 feet, measured from the centerline of the street for lots fronting on an arterial roadway.
  - The plans show buildings set between 83 and 89 feet from the centerline of Gardner Road.
- Side yard – A minimum of seven (7) feet on each side of a zoning lot or 20% total side yards.
  - The northern side yard places the buildings between 15 and 22 feet from the property line.
- Side yard – Twenty feet shall be provided on the street side of a corner lot.
  - The southern side yard places buildings between 15 and 28 feet of the right-of-way of 164<sup>th</sup> Street.
- Rear yard – A minimum of 25 feet.
  - The preliminary development plan shows the buildings between 7 and 23 feet from the property line.

Staff finds that, overall, the preliminary development plan places the proposed garden apartments not within a reasonable placement compared with the Euclidean yard setbacks of the standard R-3 district. The buildings are very close to the adjacent residential uses and 164<sup>th</sup> Street.

As a site design alternative, the buildings adjacent to the proposed R-2 district to the west could be moved further from the western property line; also the building closest to 164<sup>th</sup> Street could be moved further into the interior of the lot.

The streets in this proposal are denoted as private. Per the City's technical specifications, private streets must meet the same street design criteria (minimum radii for horizontal curves, etc.) as public streets. The layout of some of the private roads must be revised on the Final Development Plan and Final Plat to meet public street design standards.

**STAFF RECOMMENDATION:** If the Planning Commission determines new rezoning applications can be submitted on the parent parcel of land within 12-months of withdrawal of a rezoning application, then staff recommends that this item be tabled.

Otherwise, if this area is determined to be sufficient for medium-density residential, the proposed density of this rezoning request is acceptable based on the density parameters established in the Community Development Plan. However, the proposed site layout of buildings is not satisfactory to staff. In particular, the setback of the proposed apartment buildings to the adjacent land uses is far too close to the adjacent residential land uses.

Staff recommends that the Planning Commission forward the request to rezone the Auburn Hills property, 11.56 acres located west of Gardner Road and north of 167<sup>th</sup> Street, from the R-1, Single Family Residential District, to the RP-3, Planned Two Family Residential District, (Z-07-08) to the City Council with a recommendation for denial.

If the Planning Commission finds that this area is appropriate for medium-density residential land uses and the submitted preliminary development plan is adequate, then staff recommends the following stipulations:

The development shall be in accordance with Exhibit "A" (Site Plan) and Exhibit "B" (Elevations) which are filed in the office of the Planning Commission Secretary at City Hall and which are incorporated by reference as if set out in full herein. In addition, the development shall comply with all regulations and standards of the City of Gardner unless specifically exempted by the Governing Body.

The development shall be limited to 160 units.

The location and geometrics of all driveways, public streets, and parking areas are subject to review and approval by Community Development Department staff.

Prior to the issuance of building permits, the Planning Commission shall approve a final development plan for this subject property that includes accurate bedroom counts.

Per the City's adopted technical specifications, private streets must meet the same street design criteria (minimum radii for horizontal curves, etc.) as public streets.

## **5. Z-07-09/PDP-07-08 Auburn Hills Rezoning**

Conduct a public hearing and consider rezoning property from R-1 (Single Family Residential District) to RP-2 (Planned Two Family Residential District) for a 29.46 acre property located west of Gardner Road and north of 167<sup>th</sup> Street. The application is filed by Rockwood At Prairie Highlands, L.L.C.; with engineering services provided by Allenbrand-Drews & Assoc. Inc.

***Based on the direction given by the Planning Commission at the August 27, 2007 meeting, the applicant for this rezoning is requesting to be allowed to resubmit new revised rezoning applications (see Agenda Item 1, September 24, 2007 P.C meeting).***

***If the Planning Commission determines that new rezoning applications can be submitted, then the applicant will request that this item be continued to be tabled so it may be formally withdrawn and new rezoning applications can be submitted. If it is determined that new rezoning applications can not be submitted within 12-months of withdrawal, the applicant of this item would like to proceed with this rezoning request.***

**APPLICANT:** The applicant is Rockwood at Prairie Highlands, LLC; with engineering services provided by Allenbrand-Drews & Associates, Inc.

**REQUESTED ACTION:** The applicant requests rezoning from R-1, Single Family Residential District to the RP-2, Planned Two-Family Residential District.

**LOCATION:** The 29.46 acre area for the subject rezoning request is located west of Gardner Road and north of 167<sup>th</sup> Street.

**EXISTING ZONING:** The property was zoned to the R-1, Single Family Residential District, with City Council approval of Z-06-10 on November 20, 2006. (Ord. 2222).

**CHARACTER OF THE NEIGHBORHOOD:** The land immediately surrounding the subject property is characterized by vacant land zoned for R-1 (single-family residential) to the north and west, vacant land zoned for CP-O and CP-2 office and commercial development to the south and unincorporated residential properties and Gardner Lake to the northeast. Directly east of the subject property is the APAC-Kansas quarry and Gardner's sanitary sewer North Lift-station. The Development Plan Map shows this property to be reserved for low-density residential growth.

**LAND USE AND ZONING PATTERNS:** The surrounding zonings are R-1, Single Family Residential District, to the north, south and west (Z-06-10 and Z 06-11); and Johnson County zoning RUR - Rural, Agricultural uses to the east.

**CONFORMANCE TO THE COMMUNITY DEVELOPMENT PLAN:** The Gardner Community Development Plan - 2003 indicates low-density residential land uses for this property, which is defined as 6-units per acre or less. The request for RP-2 zoning and submitted development plan of 114 units on 29.46 acres is consistent with the allowed density (3.87 units per acre) as shown on the Community Development Plan Map.

Specific policies in the adopted Community Development plan regarding low-density residential development include (staff comments in ***bold italics***):

### **Low-Density Residential Land Use Goals:**

#### **Goal 2 – Criteria for the Location of Low-Density Residential Development.**

##### **Policy 2.1: Protect Areas Planned for Low-Density-**

Avoid reducing low density residential areas as shown on the Community Development Plan Map by allowing encroachment of higher density residential or by allowing nonresidential land uses which are not customarily allowed in low-density residential districts.

***This proposal, though it includes duplex/villas, is classified as low-density development and thereby preserves the planned area for low-density.***

##### **Policy 2.2: Reserve Suitable Sites-**

Reserve suitable land areas of adequate size to accommodate a number of subdivisions in order to facilitate well-planned orderly development with better coordination of public services and facilities.

***This project represents a portion of the overall Auburn Hills development, which comprises approximately 160 acres. The proposed layout of the preliminary development plan for the RP-2 district creates a cohesive two-family neighborhood, while coordinating with the development as a whole.***

**Policy 2.3: Ensure Adequate Infrastructure Facilities-**

Ensure that new housing development occurs in areas, which can be adequately and efficiently served by infrastructure facilities.

***This proposal is located within the North Service Area, as indicated on the Priority Growth Map, which is classified as a current service area.***

**Policy 2.4: Allow Small-Lot and Duplex Subdivisions**

Allow the use of small-lot and duplex subdivisions in low-density residential areas in the following circumstances upon a finding of compatibility with surrounding uses:

As a land use transition between lower-density development and land uses of higher intensities.

***The proposed RP-2 district, which will include villas/duplexes, could serve as a transitional land use between the existing R-1 zoning district to the west and much of the proposed RP-3 district to the north and existing CP-O and CP-2 districts to the south as well as the quarry and pump station to the east.***

Adjacent to heavily traveled streets such highways, or interstates, or adjacent to railroad corridors.

***The proposed RP-2 district, including villas/duplexes, is placed adjacent to Gardner Road, an arterial roadway to the east, providing a buffer for the lower density single-family district to the west.***

Where flexibility in subdivision design is necessary to preserve natural features, provide for greenway linkages or avoid floodplains.

***There is an existing pond and associated natural features to the south, as part of the preliminary development plan for this RP-2 district, which impedes development in this area, lessening the overall density of the project.***

**Policy 3.2: Encourage Proper Lot Orientation**

Encourage subdivision design in which peripheral lots face inward toward the neighborhood, of which they are a part, especially those lots which are adjacent to collectors or thoroughfares. No home shall front on a designated thoroughfare.

***All of the residences in the proposed Preliminary Development Plan face away from adjacent collectors and towards the neighborhood.***

**Policy 3.3: Provide for Extra Buffering in Special Circumstances**

Encourage subdivision design which provides extra buffering between homes and adjacent freeways or thoroughfares. Extra buffering can be accomplished by using any of the following methods or a combination thereof:

- Berms
- Landscape screening
- Fences
- Extra lot depth

***Appropriate landscaping and berms can be utilized to both shield the proposed RP-2 district from adjoining lower and higher density development from the existing quarry to the east.***

**Goal 4 – Compatible Transition from Low-Density Residential Development to More Intensive Uses.**

**Policy 4.1: Use Appropriate Transitional Methods**

Appropriate transitional methods should be considered at all locations where the development or expansions of nonresidential and medium- or high-density residential land uses abut low-density residential property (either built or zoned). In general, transitions between different types of intensities of land use should be made gradually, particularly where natural or man-made buffers are not available. Compatible transition from nonresidential or higher-density residential uses to lower density residential uses should consider:

***The proposed RP-2 district is surrounded by proposed RP-3 to the north, existing R-1 to the west, and Gardner Road, the quarry and pump station to the east. The RP-2 district, as proposed, provides an appropriate transition between the single-family district to the west and the quarry and pump station to the east.***

**Building Relationships:**

A back-to-back relationship is preferable between low-density residences and other more intensive residential uses.

***The proposed villas/duplexes share a back-to-back relationship with the existing R-1 district to the west and Gardner Road and the quarry to the east. They also share more of a side-to-side relationship with the proposed RP-3 district to the north and the existing CP-O and CP-2 districts to the south.***

More intense residential uses should not have lesser setbacks than abutting low-density residential uses.

***The building layout of the RP-2 district shall be consistent with the yard setbacks of the R-2 district with alterations as approved in the Final Development Plan, to allow flexibility while ensuring adequate setbacks.***

**Screening and Landscaping:**

Encourage the creative and extensive use of landscaping and berming techniques for effective buffering of low density residential uses.

Avoid the use of fences as a sole means of providing screening and buffering.

Promote the use of existing vegetation such as stands of trees and hedgerows as natural buffers.

Encourage the use of high quality materials in the construction of fencing and landscaping to decrease long term maintenance costs and to make it less likely that neglected, unsightly areas will occur.

***Staff recommends that appropriate landscaping and berms be incorporated in the final development plan design to both shield the proposed RP-2 district from adjoining lower and higher density development to the north and south and the existing quarry to the east.***

**STAFF ANALYSIS OF THE APPLICATION:** The applicant requests approval of a rezoning application for, Planned Two-Family residential development on 29.46 acres of land for 114 new residential units. The request conforms to the land uses set by the Community Development Plan, and is accessible by all applicable services.

The requested RP-2 zoning district restricts the uses of property to two-family dwellings, commonly referred to as duplexes. A preliminary development plan and general building elevations have been submitted for consideration with this request. The proposed RP-2 area would include a total of 57 villa/duplex buildings for a total of 114 villa/duplex units. Private drives provide access to the units looping north off 166<sup>th</sup> Street and south off of 164<sup>th</sup> Street. The general layout of this development is designed so that this proposed RP-2 development would be mostly a self-contained neighborhood.

#### **Building Elevations**

The submitted elevations denote that the buildings within this development will be constructed with a slight off-set between each unit, and each side of a duplex building will have unique features to prevent it from being a "mirrored" duplex unit design. All units are proposed to have a one car-width garage that is about 24 feet in total depth.

#### **Land Use Relationship**

The Community Development Plan recommends a back-to-back relationship between commercial and residential buildings and between low-density and higher density residential development. The proposed preliminary development establishes more of a side-to-back relationship with the existing CP-2 and C-O districts to the south and a side-to-side relationship with the proposed RP-3 district to the north. However, the Plan also allows for streets to act as a buffer between uses and both of these relationships are buffered by streets.

#### **Farmstead House**

The applicant has expressed to staff the desire to retain the original 2-story stone residence that is currently located on this subject property. This structure is located just north of proposed 166<sup>th</sup> Street, just west of Gardner Road and is denoted on the submitted preliminary development plan.

#### **Ownership and Streets**

The applicant has not delineated the intended limit of ownership for the proposed villa/duplexes, whether the property line will end at the foundation of each unit or if there will be an "envelope" of land surrounding each unit, with the remainder as common space. Ownership shall be delineated on the final development plan in order to address yard regulations. Some of the streets in this proposal are denoted as private. Per the City's technical specifications, private streets must meet the same street design criteria (minimum radii for horizontal curves, etc.) as public streets. The layout of some of the private roads may need to be revised on the Final Development Plan and Final Plat to meet public street design.

**STAFF RECOMMENDATION:** If the Planning Commission determines new rezoning applications can be submitted on the parent parcel of land within 12-months of withdrawal of a rezoning application, then staff recommends that this item be tabled.

Otherwise, staff recommends that the Planning Commission forward the request to rezone the Auburn Hills property, 29.46 acres located west of Gardner Road and north of 167<sup>th</sup> Street, from the R-1, Single Family Residential District, to the RP-2, Planned Two Family Residential District, (Z-07-09) to the City Council with a recommendation for approval, subject to the following stipulations:

The development shall be in accordance with Exhibit "A" (Site Plan) and Exhibit "B" (Elevations) which are filed in the office of the Planning Commission Secretary at City Hall and which are incorporated by reference as if set out in full herein. In addition, the development shall comply with all regulations and standards of the City of Gardner unless specifically exempted by the Governing Body.

The development shall be limited to 114 units.

The location and geometrics of all driveways, public streets, and parking areas are subject to review and approval by Community Development Department staff.

Prior to the issuance of building permits, the Planning Commission shall approve a final development plan for this subject property.

Per the City's adopted technical specifications, private streets must meet the same street design criteria (minimum radii for horizontal curves, etc.) as public streets.

## **6. Z-07-10 Auburn Hills Rezoning**

Conduct a public hearing and consider rezoning property from R-1 (Single Family Residential District) to R-2 (Two Family Residential District) for a 7.85 acre property located west of Gardner Road and north of 167<sup>th</sup> Street. The application is filed by

Rockwood At Prairie Highlands, L.L.C.; with engineering services provided by Allenbrand-Drews & Assoc. Inc.

***Based on the direction given by the Planning Commission at the August 27, 2007 meeting, the applicant for this rezoning is requesting to be allowed to resubmit new revised rezoning applications (see Agenda Item 1, September 24, 2007 P.C meeting).***

***If the Planning Commission determines that new rezoning applications can be submitted, then the applicant will request that this item be continued to be tabled so it may be formally withdrawn and new rezoning applications can be submitted. If it is determined that new rezoning applications can not be submitted within 12-months of withdrawal, the applicant of this item would like to proceed with this rezoning request.***

**APPLICANT:** The applicant is Rockwood at Prairie Highlands, LLC; with engineering services provided by Allenbrand-Drews & Associates, Inc.

**REQUESTED ACTION:** The applicant requests rezoning from R-1, Single Family Residential District to the R-2, Two-Family Residential District.

**LOCATION:** The 7.85 acre area for the subject rezoning request is located west of Gardner Road and north of 167<sup>th</sup> Street.

**EXISTING ZONING:** The property was zoned to the R-1, Single Family Residential District, with City Council approval of Z-06-10 on November 20, 2006. (Ord. 2222).

**CHARACTER OF THE NEIGHBORHOOD:** The land immediately surrounding the subject property is characterized by vacant land zoned for R-1, single-family residential development on all four sides. The Development Plan Map shows this property to be reserved for low-density residential growth.

**LAND USE AND ZONING PATTERNS:** The surrounding zonings are R-1, Single Family Residential District, to the north, south and west (Z-06-10 and Z 07-03).

**CONFORMANCE TO THE COMMUNITY DEVELOPMENT PLAN:** The Gardner Community Development Plan - 2003 indicates low-density residential land uses for this property, which is defined as 6-units per acre or less. The request for R-2 zoning, which allows for a density of 6-units per acre or less, is consistent with the allowed density as shown on the Community Development Plan Map. Specific policies in the adopted Community Development plan regarding low-density residential development include (staff comments in ***bold italics***):

**Low-Density Residential Land Use Goals:**

**Goal 2 – Criteria for the Location of Low-Density Residential Development.**

**Policy 2.1: Protect Areas Planned for Low-Density-**

Avoid reducing low density residential areas as shown on the Community Development Plan Map by allowing encroachment of higher density residential or by allowing nonresidential land uses which are not customarily allowed in low-density residential districts.

***This proposal, though it includes duplexes, is classified as low-density development and thereby preserves the planned area for low-density.***

**Policy 2.2: Reserve Suitable Sites-**

Reserve suitable land areas of adequate size to accommodate a number of subdivisions in order to facilitate well-planned orderly development with better coordination of public services and facilities.

***This project represents a portion of the overall Auburn Hills development, which comprises approximately 160 acres. The proposed zone change to the R-2 district forms part of a cohesive neighborhood by providing a buffer between the R-1 zoning to the west and the RP-3 zoning to the east.***

**Policy 2.3: Ensure Adequate Infrastructure Facilities-**

Ensure that new housing development occurs in areas, which can be adequately and efficiently served by infrastructure facilities.

***This proposal is located within the North Service Area, as indicated on the Priority Growth Map, which is classified as a current service area.***

**Policy 2.4: Allow Small-Lot and Duplex Subdivisions**

Allow the use of small-lot and duplex subdivisions in low-density residential areas in the following circumstances upon a finding of compatibility with surrounding uses:

As a land use transition between lower-density development and land uses of higher intensities.

***The proposed R-2 district, which will include duplexes, could be a land use transition between the existing R-1 zoning district to the west and the proposed RP-3 district as well as the quarry and pump station to the east. If the proposed RP-3 zoning (Z-07-08) is not approved, this rezoning request if approved could be an isolated area of R-2 zoning.***

Adjacent to heavily traveled streets such highways, or interstates, or adjacent to railroad corridors.

***In this instance the proposed R-2 district, including duplexes, is not placed adjacent to an arterial roadway.***

Where flexibility in subdivision design is necessary to preserve natural features, provide for greenway linkages or avoid floodplains.

***Land is set aside to the northwest of the proposed R-2 district for a possible school or City park, as denoted in the Community Development Plan. The approval of the Auburn Hills preliminary plat for all of the land area zoned R-1 (PP-06-02) included a concept layout of this area as lots for additional single-family development.***

**Goal 4 – Compatible Transition from Low-Density Residential Development to More Intensive Uses.**

**Policy 4.1: Use Appropriate Transitional Methods**

Appropriate transitional methods should be considered at all locations where the development or expansions of nonresidential and medium- or high-density residential land uses abut low-density residential property (either built or zoned). In general, transitions between different types of intensities of land use should be made gradually, particularly where natural or man-made buffers are not available. Compatible transition from nonresidential or higher-density residential uses to lower density residential uses should consider:

***The proposed R-2 district is surrounded by proposed RP-3 and RP-2 to the east, existing R-1 to the west, and a proposed park/school to the northwest. The R-2 district, as proposed, provides an appropriate transition between the single-family district to the west and the proposed RP-3 district to the east. If the proposed RP-3 zoning (Z-07-08) is not approved, this rezoning request if approved could be an isolated area of R-2 zoning.***

**STAFF ANALYSIS OF THE APPLICATION:** The applicant requests approval of a rezoning application for two-family residential development on 7.85 acres of land. A concept plan provided to staff for the overall Auburn Hills development denotes that 30 new residential units could be developed on 15 lots in the requested R-2 area.

A revised preliminary plat for the Auburn Hills area zoned R-1 and R-2 would need to be submitted and approved for the different sized proposed 15 lots for the R-2 area, if this R-2 rezoning request is approved by City Council.

**STAFF RECOMMENDATION:** If the Planning Commission determines new rezoning applications can be submitted on the parent parcel of land within 12-months of withdrawal of a rezoning application, then staff recommends that this item be tabled.

Otherwise, if the Planning Commission is satisfied with this application as a stand-alone rezoning request, then staff recommends that the Planning Commission forward the request to rezone the Auburn Hills property, 7.85 acres located west of Gardner Road and north of 167<sup>th</sup> Street, from the R-1, Single Family Residential District, to the R-2, Planned Two Family Residential District, (Z-07-10) to the City Council with a recommendation for approval with no stipulations.

Director Sherman announced the applicant's desire to have the current applications tabled so they may withdraw them and re-file at a later date.

Motion Godwin, Second Schultz to Table Agenda Items 3 – 5 to the October 8, 2007 Planning Commission meeting.

Commissioner Mertz requested that these items be tabled to a later meeting so they may be withdrawn and resubmitted before the required submittal date for the November 26, 2007 Public Hearing.

Commissioners Godwin and Schultz withdrew their motions.

Chairman Koranda opened the public hearing at 7:43 PM.

Kimball Bryan, 16295 S. Gardner Road, agrees with Commissioner Mertz. Mr. Bryan stated he and his neighbors do not want to keep coming to every public hearing over these applications.

Matt Lein, 16045 S. Gardner Road, asked the commissioners if they were satisfied with the proposed resubmittals.

Chairman Koranda explained that the Planning Commission has not seen the new applications and does not know what they may look like. He also explained that a public hearing is an open discussion and hopes that by opening the dialogue everyone can be satisfied. Chairman Koranda expressed that he, personally, has every faith in the applicant's representative, Andy Schlager.

Matt Lein, 16045 S. Gardner Road, stated that he's not making implications; he would just like to know if the Planning Commissioners are satisfied with the proposals and with the direction these applications and the City of Gardner is headed.

Chairman Koranda expressed that he is satisfied and has every faith that the applicant will stick to what was stated in the letter.

Director Sherman explained the resubmission process to the audience.

Charles Harrison, 16095 S. Gardner Road, expressed his concern for the amount of proposed apartments in this area.

James Henningsen, 16115 S. Gardner Road, stated his concern in the decisions the Planning Commission and staff have made and feels there have not been any long-lasting decisions made. Mr. Henningsen would like to see continuity in the decisions being made.

Chairman Koranda asked the audience if there were any more comments.

Andy Schlagel stated he believes the applicant has received strong direction from the Planning Commission and staff. Mr. Schlagel explained that the intention of the applicant is to develop a pattern that works for everyone. Mr. Schlagel also stated the applicant intends to withdraw the current applications and resubmit before November 26, 2007.

Chairman Koranda commented he understood the audience's concerns.

Andy Schlagel explained the cost, time and processes taken thus far and stated this process would be counterproductive if not done right.

Commissioner Godwin explained that the Planning Commissioners are not employees and are not paid. He also stated that the Planning Commissioners are citizens of Gardner first and only make recommendations to City Council. Commissioner Godwin explained to the audience that the ordinance for resubmissions was not changed but the procedure has been modified and feels they are trying to find a balance.

James Henningsen, 16115 S. Gardner Road, stated that in the next 2 – 5 years he believes a lot more developers will come into Gardner. Mr. Henningsen asked the commissioners if they wanted multiple apartment complexes in Gardner. Mr. Henningsen also stated he wants the finished product of Gardner to look good and is frustrated with the direction it is going.

Chairman Koranda explained to the audience that the Planning Commission does not look at applications solely on economics but rather looks at the facts and tries to stay removed from the politics. He stated that this filing is not typical to the Planning Commission and can personally see the vision the applicant has.

Director Sherman showed and explained the Future Land Use Map and Comprehensive Plan Map found on the City of Gardner's Community Development website.

Commissioner Mertz explained the Planning Commission's role and her reasons for making the motion of approval for Agenda Item #1. Commissioner Mertz expressed her belief that the applicant should be allowed and have the opportunity to resubmit and understands his reasons for doing so.

Motion Burnett, Second Popp to close the public hearing.

Motion Carried: 7 to 0 Aye

Motion Mertz, Second Schultz to Table Agenda Items 3 – 5 to the November 26, 2007 Planning Commission meeting.

Motion Carried: 7 to 0 Aye

## **7. Amendments to Chapter 17, Subdivision Regulations**

Conduct a public hearing to consider amendments to Chapter 17.

Director Sherman presented the staff report and explained that the current City Code references items that are no longer used by the City of Gardner.

Chairman Koranda opened the public hearing.

Director Sherman explained to the commissioners that more information would be available in the future and he will give a bigger presentation at that time.

Motion Popp, Second Mertz to Table the Chapter 17 Amendments to the October 8, 2007 Planning Commission meeting.

Motion Carried: 7 to 0 Aye

## **VI. Discussion Items**

### **1. Housing Analysis**

Review and discuss residential development concerns for the City of Gardner.

Planner Jennifer Dady gave a PowerPoint presentation on the types of housing in Johnson County, Kansas and explained how housing in the City of Gardner compares to other cities in the county.

Staff and the Planning Commissioners discussed some of the key points made in the presentation including: rentals versus owner-occupied dwellings, existing development, planned development, projected household growth and average annual appreciation for single-family detached homes by proximity to multifamily buildings.

Director Sherman and the Planning Commission discussed the Break-In-Access (BIA) study that was presented at the City Council Study Session earlier in the evening.

## **VII. Adjourn**

Motion Mertz, Second Kilgore to Adjourn the meeting at 9:08 PM

Motion Carried: 7 to 0 Aye

Angie Lind, Planning Service Specialist  
Community Development Department